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File Number:

November 30, 2018

DEC 04 2018

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**BY ECF AND FEDEX**

Hon. George B. Daniels  
 United States District Judge  
 Daniel Patrick Moynihan U.S. Courthouse  
 500 Pearl Street, Room 1310  
 New York, New York 10007-1312

DEC 04 2018

**SO ORDERED**  
 The Oral argument is scheduled for  
 January 24, 2019 at 10:30 a.m.

*George B. Daniels*  
 HON. GEORGE B. DANIELS

Re: **United States v. Anthem, Inc., 1:18-mc-379 (GBD)(KNF) - Courtesy Copies of  
 Objections to Report and Recommendation and Request for Hearing**

Dear Judge Daniels:

We represent Anthem, Inc. in the above-referenced miscellaneous proceeding in opposition to the government's petition to enforce compliance with Civil Investigative Demand 18-46 ("CID No. 18-46"). We enclose courtesy copies of Anthem's objections to United States Magistrate Judge Kevin N. Fox's November 13, 2018 Report and Recommendation and Declaration of James A. Bowman in Support of Anthem's Objections to the Report and Recommendation and Exhibit 1 thereto—all of which were filed electronically today and served upon counsel of record for the United States via the Court's Electronic Case Filing ("ECF") system.

Additionally, in accordance with this Court's Individual Rules of Practice, we respectfully request that a date be set for oral argument, which we believe would be beneficial to clarify aspects of the parties' dispute that have been left undeveloped for judicial review as a result of the government's refusal to meet and confer with Anthem before filing its petition.<sup>1</sup>

We thank the Court for its consideration of this letter.

<sup>1</sup> When Anthem filed its September 4, 2018 opposition to the government's petition to enforce, a hearing had been set for September 20, 2018. On September 13, 2018, however, Judge Fox cancelled that hearing, noting that the parties would be advised of a new hearing date via a separate order. Dkt. No. 21. On October 4, 2018, Judge Fox issued an order declining to reschedule the hearing. Dkt No. 25. Accordingly, Anthem has not previously had an opportunity to be heard orally in opposition to the government's petition.

**O'Melveny**

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Sincerely,

A handwritten signature in black ink, appearing to read 'David M. Deaton', with a stylized, flowing script.

David M. Deaton  
James A. Bowman  
of O'Melveny & Myers LLP

cc: (by ECF)  
Li Yu  
Rachael Doud  
Peter Aronoff  
Assistant United States Attorneys for the Southern District of New York